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SUMMARY OF NEWS.

—573—

Politics of Europe.

It frequently happens that our ASIATIC SHEET contains what may be most strictly considered the News of the Day; though we often feel disposed to place the local incidents of this country more prominently in front of our Paper, as the first thing to catch the Reader's eye. Our Rivals understand the force of this, and generally practice it; for when they have any thing to urge against the JOURNAL (and they seldom allow themselves a holiday in this particular), it is sure to greet the *courteous* Reader's first glance, and take precedence of all other subjects, whether it be Poetry or Prose. We have now and then fallen into this bad taste, but we generally think it better to confine such strictures to our smallest type and a spare corner at the end of the Paper, when the more important matters of consideration have had their due share of attention.

We find the practice of keeping the several Departments of the JOURNAL separate from each other, so generally approved indeed by its Subscribers, though occasioning much additional labour to ourselves, that we shall continue to adhere to it. For the Indian News, Correspondence, &c. we must therefore refer the Enquirer, whom this branch of information most deeply interests, to the last Sheet of our Paper, and be content to let our pages terminate with what others, who differ from us in taste as widely as in sentiment, think safest and best to begin with.

The second Sheet will be found to contain an able and interesting Article on the impolicy and absurdity of the Usury Laws, from that excellent Paper, THE SCOTSMAN; with a short Notice of a Work of Mr. Bentham's on the Art of Packing Special Juries in Cases of Libel; and two short yet interesting Law Reports, one of entire novelty, as it would seem, being an Action for Deceit, brought against one who had represented a young Lady to be a Virgin, and induced a Gentleman to marry her as such, whereas she had been defiled by the very person making this false representation;—and the other an Action for Libel, brought by the Law Officers of the Queen on her Majesty's behalf, against the Reverend Mr. Blacow, whose intemperate and offensive language was scarcely equalled by that of Flindell in his *Western Luminary*.

In the ASIATIC SHEET will be found various articles of Indian News from the Interior, and a report of local occurrences; but here we must return to our peculiar province of European Intelligence, and as there have been no Arrivals from Sea since our last, we draw from the latest English Papers before received.

Commercial Treaty with France.—Our readers would perceive from a paragraph inserted in a former Number of this Paper, that the negotiation which has been lately carrying on for the purpose of arranging the terms of a *Commercial Treaty* with France, has been broken off. This result is precisely what might have been expected. The governments of the two countries were much too jealous of each other, and had discovered too complete an ignorance of all the principles which ought to regulate the intercourse between independent states, to permit us to hope that they would ever agree to abolish those disgraceful restraints and prohibitions which have annihilated almost all intercourse between them. It is not worth while to inquire on what side the blame of the failure of this negotiation principally rests. We believe it will be found to be pretty equally divided. Had either party been really desirous of opening new and extensive markets for their pro-

ducts, they would have done so without resorting to the operoso and clumsy machinery of a commercial treaty. The advantages of such conventional arrangements have been very greatly exaggerated. The adoption of a fair, liberal system of commercial policy, by any one state, would be productive of far more real benefit to its industry than will ever result from all the commercial treaties that it is possible to negotiate. We are satisfied that nothing more is necessary to lay the foundation of an intercourse with France, which would give an immediate stimulus to the languishing manufacturers of this country, and of which it is impossible to estimate the future extent, than to consent to act as a nation, on the same principles which regulate the conduct of every prudent individual,—that is, to *buy in the cheapest market*. The French we may depend upon it, will not refuse to sell; and as there can be no selling without an equal buying—no exportation without an equal importation,—by merely purchasing from them so much commodities as they can furnish to us cheaper than we can raise directly at home, and cheaper than we can import them from any other country, we should not only gain a very great immediate advantage, but would inevitably compel them to abandon their restrictions. Nor is it any valid objection to this reasoning to contend, that until the abolition of their restrictions, the French could only exchange their products with us for gold or silver! The profit on our transactions with foreigners does not depend on the circumstance of the imports or exports consisting of gold or silver, but on the *excess of the entire value of the imports over the entire value of the exports*. If we export £100 worth of bullion, and import in its stead wine worth £115, we gain 15 per cent. by the transaction; and we would not have gained one farthing more had the wine been obtained in return for an exportation of £100 worth of cottons. It is a stupid and a ridiculous prejudice that would induce us to restrict the exportation of the precious metal rather than of any other commodity. They are never sent abroad to *destroy*, but always to *find their level*. Nor, although the utmost freedom was given to import all sorts of French products, would it be possible to send a single ounce of bullion to that kingdom, unless its real price was higher there than here, and, consequently unless its exportation was advantageous. We do hope that the senseless and unmeaning prejudices which have so long fettered and restricted the trade with our most civilized and opulent neighbour will not be able much longer to stand in the way of a return to a more liberal system. Instead of being what they have been most absurdly and wickedly designated, *natural enemies*, Britain and France, from their near vicinity, and the extreme variety in their raw, as well as their manufactured products, are especially fitted to maintain an extensive and mutually advantageous intercourse. But if it were not so, still no advantage could result from the abolition of the restrictions. Our merchants are not so inattentive to their own interests, nor so wedded to those of the French, as to export or import any commodity to or from France, which they could either sell or buy on better terms any where else. And, therefore, if the restrictions on the importation of French commodities be not really injurious,—that is, if the importation of such commodities would either occasion a loss, or be less advantageous than the importation of commodities from other countries, we may rest assured that the throwing the trade open would not induce a single individual to engage in it. At best, therefore, the restrictions in question are totally useless. A prohibition against engaging in a disadvantageous traffic is, in truth, neither more necessary nor more expedient than a prohibition against flying in the air!

But this is not the case with the restrictions on the French trade. They are not a mere dead letter: They have shut us out of what would otherwise have been our best market, and have alone prevented the doubling or tripling of the number of the foreign consumers of British manufactured products.—*Scotsman*.

Holy Alliance.—The Holy Alliance interfered to put down the constitutional government of Naples, under the pretext that the Carbonari, a small faction, imposed the new system on the nation by force. The British Ministers adopted this sophism in their speeches when the subject was discussed in Parliament. And the Austrian commander announced in his despatches, that the restoration of the old government was everywhere welcomed by the people with shouts of joy. The dealers in falsehood, however, detect themselves sooner or later, by their inconsistency. It was singular that the revolutionary government should have made such great efforts to distribute arms among the whole of that population over which it was said to rule by terror; and it is no less singular, that one of the first acts of the restored despotism has been to issue an order for disarming those subjects, who, it would fain persuade us, are universally devoted to its cause. It is thus that facts speak a more intelligible language than official despatches, ministerial speeches, or royal proclamations. To put arms into the hands of the whole people will ever be the most decisive test of a free government. There is but one government in the world that dares to subject itself to this ordeal; and that government is the only one that dreads no plots or conspiracies, and needs no hordes of mercenary soldiers to enforce obedience to its commands.

Official Residence.—Mr. Beckett has taken the whole of his official residence, as Judge Advocate General, for a private residence, having hired lodgings in Downing-street, at 40*l.* a year, as an office: and he has not attended, as has been reported in the Papers, six Courts Martial since his appointment, but only one, which was that held upon Colonel Quentin, of the 10th Hussars.

Beautiful Tale.—When all the world are commending the works of the Scotch Novelist, a sense of candour induces us also to point out to the notice of our readers, a beautiful tale, called "The Favourite of Nature," which has just appeared, and which, for the interest of its affecting narrative, and the delicacy of its sentiments, we conceive to be deserving of public attention in a far greater degree than the generality of novels.—*Courier*.

Letter from Rome.—The following is an extract of a letter, dated Rome, April 23:—"On Saturday the baggage of a considerable detachment of the Austrian army, proceeding from Naples to the north of Italy, arrived here. The convoy consisted of about a hundred carts and waggons, and was escorted by a considerable detachment of Tyrolese. The officers who have arrived here state variously the number of troops who are either on their march, or about to set out for the north. Yesterday two regiments of Tyrolese chasseurs, and two battalions of hussars, consisting in all of about 2,500 men, entered Rome, with bunches of laurel in their hats, and were present at the Pope's benediction from St. Peter's. This sign of triumph they commonly wear since their brilliant success over the Neapolitans. But the officers deal rather hardly by their conquered antagonists, and allow them so little courage as scarcely to justify the laurels which they wear for their subjugation. An order has been sent to a detachment of Austrian troops in the Abruzzi to take possession of Ancona, and probably Bologna will share the same favour. Several of the officers here have orders to proceed to Bologna, where the Carbonari are said by Cardinal Gonsalvi to exist in considerable numbers. This occupation of Ancona takes place, of course, in consequence of the Pope's consent, and is an additional proof, if any were wanting, that the petty Sovereigns in Italy are now as completely feudatories of the Austrian, as ever they were of the German, or French empire. Ancona is the only considerable port of the Papal territories, and it will no doubt very much encourage a free trade that it is placed under the protection of Austria! The insolence of the conquerors of Italy increases with the consciousness of their power, and the removal of all restraint upon their will. The poor Neapolitans are treated pretty freely to the salutary discipline of

the baton when they offend their lords and masters; and I have seen several instances of the application of the same forcible argument to the backs of Romans at the inn where I reside, since the arrival of the Austrian officers. It would be well if his allies would assist his Holiness to extirpate the banditti, as well as to put down the Carbonari of his states, for at present no person or party can venture beyond the walls of Rome, and return after dusk, with any security against robbery and murder. Four English gentlemen were robbed last week in returning from Tivoli, about an hour after sun-set. One of them, in attempting flight, was shot at, and a ball passed through the skirts of his coat, when, being without arms, he thought it time to surrender. While one of the robbers was coming up he hid his watch in his boot, but the former told him that he must have it, for he knew he had one, as he had seen it in the morning, and immediately began to prick him with a stiletto, as they used to do reputed witches for the *insensible point*, assuring him that he would come at last to the place of its concealment, after having thus gone over his whole body. After they had been completely stripped of all their property they were allowed to depart. The robbers, consisting of five or six men armed with muskets, seemed to be peasants who had observed their departure in the morning. The gentlemen applied to the police, and subsequently to Cardinal Gonsalvi, but could obtain no other answer than a kind of general rebuke for having been out after night-fall."—*Times*.

New Room at Drury Lane.—The new room, which was fitted up on the occasion of his Majesty's visit to Drury-lane, on the 9th of May, was, on the 11th, thrown open by the Proprietor to a select party of his friends, on which occasion it was illuminated in the same manner, and in every respect fitted up in the same way, as when his Majesty visited the theatre. The room, which is always called the King's room, is of itself an object of admiration, being of the same pure and elegant style with the grand entrance of the theatre and the rotunda. The chandelier, which has been put up for this occasion, is intended by Mr. Elliston for his new rooms at Leamington, and is, without exception, the most magnificent one which we have ever seen. The effect produced by the reflection of the chandelier in pier glasses on the opposite sides of the room, which have been put up for the occasion, was very grand. The candelabras and other ornaments, with the elegant new gilt lamps, produced an effect which cannot be described. The property in the room is valued at 2000*l.* the price of the chandelier alone being seven hundred guineas.—*Courier*.

Sir Francis Burdett.—The sum subscribed by the people for the payment of the fine imposed by the Court of King's Bench upon Sir Francis Burdett, which is above 600*l.* the Hon. Baronet has declined to accept, recommending the application of it to the relief of the sufferers at Manchester on the 16th of Aug. 1819.

Singular Fact.—A peatman, levelling moss on the estate of Sir Robert Grierson of Rockhall about three miles from Dumfries, turned up the body of a pretty large adder, which he had fairly decapitated before he was aware. This circumstance exciting a suspicion that there were more adders near the same spot, he dug a little deeper when, at about eight inches below the surface, he lighted upon a whole encampment of those noxious animals. In particular, he took out no fewer than forty adders, which he placed in a box, and exhibited as a natural curiosity. Nineteen of these appeared to be full grown, and measured from 18 inches to two feet; but in a short time they had all died excepting two, although these were sufficiently vivacious, and placed themselves in an attitude of defence the moment they were molested. But what is still more surprising, in the same hole there were found ten toads and an amazing number of small brown lizards, of the species well known in Scotland by the name of the Ask. This is quite a novel fact, although its authenticity can be established beyond the possibility of doubt. In this country, it is no uncommon thing to dig up adders, even of a larger size than any of those mentioned above; but we never heard of such a number being found in one hole, and in such strange company. The adder, the toad, and the ask, are all cold-blooded reptiles, which become torpid when exposed to a low temperature; but their habits in

other respects are widely different; and how they happened to gather themselves to the same spot, and outlive the winter, apparently in such good fellowship, is a point which we leave to be solved by the proficients in natural history. It has been remarked by some of these learned men, that so long as reptiles of this kind are confined to a degree of heat inferior to 40 deg. they will remain dormant and healthy, for an unlimited time. Spallanzani kept frogs, lizards, and snakes in this state, in an ice-house, three years and a half, and they readily revived when restored to a warm atmosphere. This wonderful peculiarity may help to explain the anomaly of living toads being so often found alive in the heart of solid rocks, and of trees which had retained them in their cavities, till every vestige of a crevice had grown up around them.

Waverly.—The author of *Waverly* has another work in the press, entitled *The Buccaneer*.

Courage and Affection of a Gander.—At a sweet little property within a few miles of this town, a goose and gander had long enjoyed all the happiness that is ever granted to the feathered tribe—waddling wherever they listed, and dividing the day betwixt swimming in the well-filled watering pond and grazing on the luxuriant pastures that fringed its banks. These fortunate birds, in fact, had been great favourites with the owner of the property, and to have viewed the satisfied air with which they waddled up to receive their usual allowance of crumbs from the kitchen, or corn from the granary one could have sworn that even their present master was much less of a *gourmand* than a view-hunter, and derived far more pleasure from eyeing the gambols of his squabbled poultry, than from carving their carcases at a Christmas dinner. But a cook and a country gentleman are not always agreed on the principles of domestic economy, and on some emergency, the former personage laid violent hands on the poor goose, declaring, that although well stricken in years, a plumper bird had rarely graced a snit or afforded richness to a gravy pan. With what feelings the widowed gander surveyed this terrible inroad upon his domestic happiness, the reader may easily conceive; but in place of winning and sinking under his misfortunes, like other love-sick bipeds, he seemed of a sudden inspired with all the chivalry of Don Quixote himself, and from that day forward lost no opportunity of attacking the female assassin, biting her legs and feet whenever she happened to appear abroad unshod, and otherwise annoying her in a most unusual manner. For whole days together, the faithful bird has been known to watch at the kitchen door apparently for no other purpose than to impede the egress and ingress of the obnoxious cook-maid, and so far from lessening, his rage against the enemy appears to be daily increasing, while he continues to be perfectly inoffensive to every other person.—*Glasgow Chronicle*.

Meeting of the British and Foreign School Society.—Yesterday the anniversary meeting was held at the Freemasons' Tavern. The Duke of Sussex took the chair, and opened the business of the day; in doing which, he congratulated the Society on their very numerous and respectable meeting, and read a letter from the Duke of Bedford, couched in the warmest terms towards the Society, and enclosing a donation of 100*l.* per annum.—The Rev. George Clayton read the Report of the last year's proceedings of the Committee. In the Metropolis alone, 20,689 children had been educated, on the system of mutual Instruction; they had now the greatest satisfaction in being enabled to enumerate 43 schools in the Metropolis, of which 23 had been established within the last five years. The British system was spreading progressively, through Scotland and Ireland. Many masters had been taught last year at the school in the Borough. At Calcutta 88 schools had been established, and a school for the education of females—a thing never heard of before in that quarter of the globe—was about to be established.—In France and the Netherlands the systems had answered beyond the greatest expectations. In Italy their progress had been impeded by the late convulsions; but at Florence no less than twenty-three schools had been established, of which three were for girls. The report proceeded to give a most interesting account of the

progress which education was making in North and South America, at St. Domingo, and other islands in the same quarter of the Globe.—The Reverend G. Burder detailed the progress of education in the South Sea Islands. No less than 700 of the natives of Otaheite were now able to read, and the King had sent ships with teachers and books to the neighbouring islands.—The Reverend Rowland Hill and W. Allen, Esq. the treasurer spoke warmly in favour of the institution. The Reverend Mr. Whalain moved the thanks of the meeting to the Royal Chairman, and to Prince Leopold; which was seconded by J. Vanhoven, Esq. The former acknowledged the honour in suitable terms. Thanks were next voted to the Dutchess of Kent, Patroness of the Female School, and to Prince Ratape of Madagascar, whose interpreter returned thanks. The meeting then separated, after a liberal collection had been made.

It is estimated that not less than eleven millions are spent annually on the Continent by British subjects, which is a serious drain to the country, labouring as it does under such heavy pressure.

It has been signified to us from respectable authority, that Mr. Brougham will withdraw the Education Bill which he lately introduced into the House of Commons, for the purpose of bringing forward a new one, more suitable to the feelings and dispositions of the people in general; a leading feature of which will be to deprive the Clergy of that power which it was the object of the first Bill to invest in their hands, and give it to a Committee.—*Nottingham Review*.

Singular Circumstance.—A game hen the property of J. H. Hunt, Esq. of Compton Pancefoot, Somerset, lately took possession of an old magpie's nest, on the top of a fir-tree, wherein she hatched nine fine chickens, which have been safely landed from their aerial birth-place.

Telescope.—Mr. J. Ramage, of Aberdeen, has constructed a 25 feet reflecting telescope, being the largest, except that of Sir W. Herschel, ever made. The speculum is 25 feet focal length, 16 inches diameter. The method of observing is by the point view. The power is from 50 to 1500; and the mechanism by which the instrument is moved, is so simple and well contrived, that it can be managed and directed to any part of the Heavens, as readily as a three feet achromatic telescope.

Experiments continue to be made with *Pyrolygneous Acid*; and it is thought that it may be effectually used to keep fresh fish sweet for long journeys, in summer. Fish wiped clean, and their gills removed, if brushed over with the acid, will be good after travelling any requisite distance. Meat or fish moderately salted, then wiped and brushed over, or dipped in the acid, will keep a voyage round the world.

Elopement.—A Kentish farmer, from the neighbourhood of Seven-oaks, applied at Marlborough-street Police-office, yesterday, to learn how to recover lost property, which he had traced in the person of his wife, who had left him with four young children. She left her home after dark on Friday night last, and he had traced her to the Elephant and Castle, and from thence to Pimlico, where she was living with a man of the name of George, who lodged in his house lately when superintending some works in Kent. He had seen his frail rib, who said she was very comfortable, and did not intend to return to Kent. George said she had come to him of her own accord, and he did not want her to remain there. The husband was informed that such a woman was not worth reclaiming, but his remedy was by action for *crim. con.*—*Times*.

Horse Smolensko.—Thirteen hundred guineas were given by Prince Esterhazy, at the sale of the late Sir Charles Banbury's stud, for the celebrated horse Smolensko.

Bars of Gold.—Mr. Jacobs, the young man lately drowned in the passage between Dover and Calais, had his pantaloons lined with bars of gold. A reward of 1000*l.* has been offered for finding his body.

IMPROPTU,

On a Lady's Dog being much admired by a Beau, for its size and beauty, and her replying that it would improve in time, as it was yet a Puppy.

If a Puppy indeed,—
To distinguish his breed
You might usefully lay out a dollar
His sleek neck to grace,
For the true Puppy race
Are best known by a Dandy-cut collar.

Extraordinary Horse Leap.—The bet that an officer of the third dragoon guards should produce a horse to carry his rider over a six foot wall in a sporting-like manner, was lately decided in the presence of a great number of spectators at Inchinnan, near Renfrew. The horse, which is the property of Mr. Green of the above regiment, cleared his leap in an easy and gallant style, without moving a stone, though rode by a heavy dragoon. Considerable sums were depending on the issue.

Sporting Bet.—A sporting gentleman in the neighbourhood of Staines, who rides at least 17 tone, has undertaken, for a bet of 20*l.*, to ride an English Ass from Staines to the Crown Inn, at Reading, a distance of 22 miles, in three successive hours. The rider is to give 12 hours' notice previous to starting. Bets are 2 to 1 in favour of time.

Singular and Interesting Occurrence.—(From the Hamburg Correspondent).—A Judge of the name of Heltmanots, in the department of Zips, sent a young female peasant with a sum of money to Goelnitz, a small town situated among the mountains; not far from the village a countryman joined her, and demanded where she was going? the girl replied, that she was journeying with a sum of 200 florins to Goelnitz. The countryman told her that he was going there also, and proposed that they should travel together. At the wood the countryman pursued a path which he told the girl would shorten their journey at least two leagues. At length they arrived at the mouth of an excavation, which had once been worked as a mine; the countryman stopped short, and in a loud voice said to the girl, "Behold your grave; deliver me the money instantly." The girl, trembling with fear, complied with his demand, and then entreated him to spare her life: the villain was inflexible, and he commanded his victim to undress herself; the unfortunate girl was soon stripped to her chemise; the monster commanded her to deliver to him even this last article of her dress. The poor girl fell on her knees and supplicated, with uplifted hands, to have her chemise returned to preserve her modesty; the villain then turning round, the girl sprung upon him, precipitated him into the cavity, and then ran and announced to the village what had happened to her. Several of the inhabitants, provided with ladders, returned with her to the spot. They descended into the hole, and found the countryman dead, with the clothes and money which he had taken from the girl in his possession. Near him lay three dead female bodies in a state of putrefaction. It is probable that these were victims to the rapacity of the same villain. In a girdle which he had round his body was discovered a sum of 600 florins in gold.

Inquisition at Eton.—Saturday (March 31) an inquisition was taken at Eton, before the Coroner for the district, at the Christophe's Arms, opposite the College, on the body of Mr. Angerstein, a promising youth of 17 years, the son of J. J. Angerstein, M. P. It appeared in evidence that the deceased was pursuing his studies at Eton College. On Tuesday last he went in a small skiff on the Thames, and rowed about two miles below Windsor Bridge, when he dropped one of his oars into the water; in leaning over to recover it, he fell into the river. No assistance being at hand, before any one could reach the spot, he had sunk to rise no more. The body was not found for some days; but a reward of one hundred pounds being offered for it, the fishermen found it, and conveyed it to Eton. The Jury returned the following verdict, "drowned and suffocated." The body was conveyed in a hearse to town to the house of Mr. Angerstein, for the purpose of being interred in the family vault.

The Ormond Steeple Chase.—Fifty Pounds given by the Ormond Hunt, to stake 96 guineas each, was run for on St. Patrick's Day, pursuant to notice, by celebrated Hunters. The start was given by Mr. Minchin, in a valley beneath the well known fox earth, the *Devil's Bit*, and from the impetuosity of the riders, eager to dash forward, resembled a charge *en militaire* for the first two miles; so far, it was a rapid ascent, and so far, the contending Nimrods appeared to ride almost hand in hand until they reached the summit of the first hill, on the brink of which stood a firm built double stone wall, five feet four inches high.

Sir Edward (the winner,) Superior, and Mackheath, leaped it without touching it; the others, in a most sporting style and without a balk, but from being too cool, and trained for a race of its peculiar description, lost some little ground. Here for the first time the chase assumed a different appearance; what first resembled a squadron now formed in file; desperation still was the order of the day, no creeping or crawling, but straight forward flying from field to field, through a succession of steep hills, when, after a race of five miles, unexampled even in this country, it terminated in the plains of Yeomanston. High odds at starting, it was not won in twenty minutes. The race exceeded all expectation. The five miles, with the 16 leaps, was run in 15 minutes!!!

Singular Occurrence.—On the 21st of April last, a Serjeant of the 29th Regt. of Foot, stationed at Macclesfield (Cheshire), escorting a party of men of the 12th Regt. thence to Portsmouth was quartered at the King's Arms Inn, Bishop's Waltham, the next day being (Sunday), a halting day: and on which day he left the house, and never returned to his men any more. The anxiety of the people in the neighbourhood to know what was become of him, was very great, and search was made, but without effect, until the 28th, when he was found in a ditch by some men working for Mr. Clark, mending a fence, he having formed a determination to starve himself to death, and had actually been there the seven days without food. It appeared he had got a curious bed, made in the ditch, with sticks laid across and a large quantity of moss, which he had selected together, and made in form of a guard bed.

The man that found him took him to Mr. Clark's house, who very humanely gave him some food, which he ate very little of, and then they allowed him to depart, and he was not heard of again until Saturday last, the 12th of May, being three weeks, and during which time he had also been without food, having lain in the wood, about a mile from Bishop's Waltham, the last fourteen days, without any sustenance whatever, except a little muddy water, which was near the place where he made his bed. He rose up on the morning named with the determination of beginning a new life, that being his birth-day (the 32d year of his age) and came wandering, like a skeleton, to the King's Arms, again. He told Mr. Clark that his intention was to place himself under his protection; he said he had got the better of his weak ideas, as he found he could not put an end to his existence, which he had tried to effect by making incisions in his arm to bleed himself to death, as he did not die with hunger, which he thought he should in ten days: the means he had used to prevent his feeling the pain of hunger was—by tearing the sleeves off his shirt and binding them round his body, and drawing them closer, as his body decreased in size, by which means he thinks he could live fourteen days longer—The reason for his committing this act was, as he states,—on his march from Macclesfield, with the party of men under his command, he took two one-pound Bank of England notes, which he considered to be bad, by their being refused, which notes he had got in his possession, and finding that he had not sufficient money to pay the men, it hurt his feelings so much, that he could not bear it, having been in the Regiment ten years without the least stain on his character: which appears to be correct, by the Commanding Officer's letter, which has been since received, stating, that he was one of the most trust-worthy men in the Regiment, and was particularly selected for the purpose. Mr. Clark has had proper care taken of him, and he is recovering as fast as nature will allow.—*Times*.

MISCELLANEOUS.

—577—

Abolition of the Usury Laws.

(From the Scotsman.)

It is most absurdly supposed, that were the laws limiting the rate of interest repealed, every individual who has capital to lend, would henceforth indulge in all those mean and disgraceful practices which at present characterise the lowest class of money-brokers. But it might just as reasonably be supposed, that were country gentlemen allowed to sell game, they would immediately become addicted to all the vices of the poacher.—ANONYMOUS.

We avail ourselves of the opportunity afforded by the discussion of Mr. ONSLOW's bill, for the repeal of the Usury Laws, to submit a few observations illustrative of their pernicious consequences, to the notice of our readers. These laws afford a striking example of the mischief which result from restrictive regulations. All the efforts that have ever been made to lower the market rate of interest by authority have had precisely an opposite effect. Instead of reducing, they have uniformly contributed to increase its amount. Nor is this any thing but what might have been foreseen and expected. It is plain no law can be so framed as to prevent a borrower from offering a higher rate of interest than what is fixed by statute; and if the lender had implicit confidence in the secrecy and solvency of the borrower, he might accommodate him with the sum wanted without requiring any additional interest or premium of insurance for entering into what the law declares to be an illegal transaction; but this must be a very rare case. Gratitude, and a sense of benefits received, are unfortunately, when they come into contact with self-interest, but slender securities for honourable conduct. Numberless unforeseen events occur to weaken and dissolve the best cemented friendships; and a transaction of this kind would undoubtedly afford an additional source of jealousies and divisions. In such matters, indeed, men are more than usually shrewd-sighted, and are very little disposed to trust to moral guarantees for the security of their property. But neither the threatenings of the law nor the powerful inducement which it holds out to dishonest debtors to break their engagements, and treacherously to recede from the stipulations to which they had agreed, have been able to prevent, or even materially to lessen, what are termed usurious bargains. Their only effect has been to oblige the lender to demand, and the borrower to bind himself to pay, a higher rate of interest than would otherwise have been required. A bargain for more than the statute rate of interest being declared illegal, the lender is thus exposed to an additional risk over and above the ordinary risk attending every loan. But no person will gratuitously place his fortune in a situation of comparative hazard; and, therefore, the sum necessary to cover this risk must be proportioned to the greater or less anxiety on the part of the government to prevent and punish such bargains; or in other words, the rate of interest must invariably increase according as the laws intended to reduce it become more severe, and diminish according as they are relaxed!

Thus, a borrower might find it for his advantage to offer 6, 7, or 8 per cent. for a loan—and unless it were for his advantage, nothing could possibly induce him to make such an offer—and a capitalist might be disposed to transact with him on these terms. But, as the law declares that any individual who shall stipulate for more than 5 per cent. shall, if detected *forfeit three times the principal*, it is clear, provided there was no method of defeating this statute, that their must be an end of all borrowing, except when the market rate of interest happened to be below the statutory rate. Whenever it rose above that rate, no person would be able to obtain the smallest accommodation in the way of loan. There could then be no transfer of capital. It would continue locked up in the same hands; and the national prosperity and welfare would, in consequence, suffer severely.

Luckily, however, the mutual interest and ingenuity of borrowers and lenders have always proved an overmatch for the enactments of the law. Their sole effect has been to render the acquisition of capital by the industrious a more difficult task, and to compel them to pay a higher rate of interest for it. What might have been borrowed at 6 or 7 per cent. had there been no hazard, from anti-usurious statutes, is, on account of that hazard, raised to perhaps 10 or 12 per cent.; and what is nearly as bad, a habit of carrying on business in a secret and underhand manner is spread abroad in society; and that spirit of frankness, open-heartedness, and sincerity, which, wherever it predominates, is so highly valuable, is cramped in its development, or altogether supplanted by duplicity, extortion, and cunning.

These conclusions do not rest on theory only, but are supported by a constant and uniform experience. At Rome, during the period of the Republic, the ordinary rate of interest was excessively high. The debtors or plebeians were every now and then threatening to deprive their creditors, who were generally of the patrician order, not only of the interest of their capital, but of the principal itself. Repeated outrages prove that these were not mere empty threats; and the patricians were, therefore, obliged to indemnify themselves, by means of a corres-

ponding premium for the risks to which they were exposed. The same is the case among the Mahometans. Mahomet prohibited the interest of money altogether; and notwithstanding, the rate of interest in Asiatic countries amounts to four or five times the ordinary rate in Europe*.

During the middle ages, the average rate of profit was not perhaps so high, certainly not higher, than at present. But, to use the words of a learned and accurate historian, "The clamour and persecution raised against those who took interest for the use of money was so violent, that they were obliged to charge it much higher than the natural price, which, if it had been let alone, would have found its level, in order to compensate for the opprobrium, and frequently the plunder which they suffered; and hence the usual rate of interest was what we should now call most exorbitant and scandalous usury†." The risks to which lenders were exposed rendered the premium of insurance on all sorts of capital enormously high; for, of the 50, and even 100 per cent. which borrowers then frequently engaged to pay as interest, not more than 8 or 10 per cent. can properly be said to have been given for the productive services of capital. The rest must be considered as a *bonus* to compensate the lender for the risk he encountered of losing the capital itself.

From the earliest period of the history of England down to the reign of HENRY VIII. the taking of interest was absolutely forbidden to all persons within the realm except Jews and foreigners; who, nevertheless, were frequently plundered for the sake of enriching the Crown, under the miserable pretext of punishing them for what were then called "their hellish extortions!" The disorders occasioned by this ruinous interference at length became so obvious, that notwithstanding the powerful prejudices to the contrary, a statute was passed in 1540, legalising the taking of interest to the extent of 10 per cent.; and this, because, as is recited in the words of the act, "the statutes prohibiting interest altogether have so little force, that little or no punishment hath ensued to the offenders." In the reign of EDWARD VI., the horror against taking interest seems to have revived in full force; for, in 1552, the taking of any interest was again prohibited, as "a vice most odious and detestable." But, in spite of this denunciation, the ordinary rate of interest, instead of being reduced, immediately rose to 14 per cent.; and continued at this rate until, in 1571, an act was passed repealing the act of 1552, and reviving the act of HENRY VIII., allowing 10 per cent. interest. In the preamble to this act, it is stated, "that the prohibiting act of King EDWARD VI. had not done so much good as was hoped for; but that rather the vice of usury hath MUCH MORE EXCERDINGLY ABOUNDED, to the utter undoing of many gentleman, merchants, occupiers and others, and to the importable hurt of the Commonwealth." This salutary statute was opposed, even by those who it might have been expected would have been among the first to emancipate themselves from the prejudices of the age, with all the violence of ignorant superstition. DR. JOHN WILSON, a man famous in his day, and celebrated by DR. JOHNSON for the extent and solidity of his learning, stated in his place in the House of Commons, that "it was not the amount of the interest taken that constituted the crime but that all lending for any gain, be it ever so little, was wickedness before God and man, and a damnable deed in itself, and that there was no mean in this vice any more than in murder or theft!" And yet, absurd as this rhapsody may appear, we really think it is sense itself compared with the creed of those who contend that it is quite proper to charge 5 per cent. but that it is a "damnable" offence to charge 5½ or 6½ per cent.

But it is not necessary to refer to a distant country, or to a remote period, for an exemplification of the pernicious effects of laws reducing the statute below the market rate of interest. During the greater part of the late war, the Usury Laws operated to the prejudice of all classes of borrowers. The extent of the public loans, the high rate of interest given by the state, and the great facilities for the profitable investment of capital, rendered it next to impossible for a private individual to borrow at the legal rate of interest, except from the trustees of public companies, or through the influence of circumstances of a very peculiar nature. The proprietors of unencumbered freehold estates, of which they had the sole disposal, were almost universally obliged to resort to those destructive expedients which had formerly been the resource only of spendthrifts and persons in the most desperate circumstances. Annuities were not unfrequently granted for the term of several lives, at the rate of 12, 16, and even 20 per cent., exclusive of the premium of insurance necessary to cover the principal on the death of the persons named in the grant of the annuities. Cases are mentioned, in the Appendix to the Committee of the House of Commons' Report on the Usury Laws, of gentlemen, possessed of large estates in fee-simple, having granted annuities for three and four lives at 10 per cent. for eight years' purchase! And this openly in the teeth of the statute, declaring that no more than 5 per cent. interest shall be charged!

* Say, *Traité d'Economie Politique*, tom. ii. p. 180.

† Macpherson's *History of Commerce*, vol. i. p. 400.

Nothing can be more unreasonable, and more entirely unfounded, than the clamour that has been set up against usurers, as money-lenders are sometimes termed, because of their exacting a higher rate of interest than ordinary from prodigals and spendthrifts. This surely is the most proper and efficient check that can be put upon the thoughtless or unprincipled extravagance of such persons. Supposing the security of a prodigal and of an industrious person to be equally good, and this can scarcely ever be the case, does not the capitalist who would lend to the latter, at a lower rate of interest than he would lend to the former, confer a real service on his country? Does he not prevent those funds, which ought to be employed in supporting useful labour, and in adding to the real wealth of the nation, from being squandered in ridiculous extravagance?

Neither is the outcry raised against capitalists for taking advantage of the necessities of the industrious one whit better founded. According as a person has a character for sobriety, and for punctuality in discharging his engagements, and according to the presumed state of his affairs at the time, so will he be able to borrow. To say that a capitalist took advantage of the necessities of any individual, is only saying that he refused to lend to a person in suspicious or necessitous circumstances at the same rate of interest he would have done had no such suspicion existed,—had there been no *risk* of the principle sum being lost and if he had not acted in this manner, should we not have considered him a fool or a madman?

But perhaps we shall be told that this is mistaking the object of the Usury Laws—that they were not intended to force capitalists to lend to gunpowder manufacturers and on mortgage over a valuable estate, to spendthrifts and industrious persons at the same rate of interest, but to protect the prodigal and unwary from the extortion of usurers, by declaring any stipulation between them for more than a given rate of interest to be null and void. But why all this solicitude about the least valuable class of society? Why fetter and restrict the free circulation of capital among those who would turn it to the best account, lest any portion of it might chance to fall into the hands of those who would squander it away? If the prevention of prodigality be an object of sufficient importance to justify the interference of the Legislator, why not at once put the prodigal under an *interdict*! This is the only way in which it is possible to restrict him. It is not so much by borrowing money at high interest, as by contracting debts to merchants, on whose charge there is no check, that spendthrifts generally run through their fortunes. Mr. BENTHAM has justly observed, that so long as a man is looked upon as one who will pay, he can much easier get the goods he wants than he could the money to buy them with, though he were disposed to give for it twice or thrice the ordinary rate of interest. How ridiculous is it then, to stimulate this natural facility of purchasing, to permit prodigals to borrow (for it is really borrowing) the largest supplies of food, clothes, &c. at 20, 30, or even 100 per cent. interest, at the same time that we inflict a real injury on every other class of society, rather than permit them to borrow the smallest supply of money, at more than 5 per cent! Far from being of any service, this restriction is evidently injurious to the prodigal. It narrows his choice, and drives him from a market which might have proved much less disadvantageous, to one in which no disgrace attaches to the exactation of the most exorbitant interest, and where it is scarcely possible he can escape being ruined.

Luckily we are not left to infer from general principles, however well established, the many advantages that would result from a repeal of the laws regulating the rate of interest. The case of Holland is decisive of this question. It is an unquestionable fact, that the rate of interest has been, for a very long period, *lower* in Holland than in any other country in Europe, and yet Holland is the only country in which Usury Laws are altogether unknown—in which capitalists are allowed to demand, and borrowers to pay, any rate of interest. Notwithstanding all the violent changes of the Government, and the extraordinary derangement of her financial concerns in the course of the last twenty years, the rate of interest in Holland has continued comparatively steady. And we have the authority of the Report of the Committee on the Usury Laws for stating that during the whole of that period, persons who could offer unexceptionable security, have been able to borrow at from 3 to 5½ per cent.; nor has the average rate of interest charged on capital advanced on the worst species of security ever exceeded 6 or 7 per cent.; except when the Government was negotiating a forced loan. But, in this country, where the law declares that no more than 5 per cent. shall be taken, the rate of interest charged on capital advanced on the best landed security, has, in the same period, varied from 5 to 16 or 17 per cent., or five times as much as in Holland. Surely this ought to put to rest all doubts as to the impolicy and the inefficiency of the Usury Laws.

We trust we have now said enough to show the impropriety and the pernicious tendency of all regulations on the rate of interest. If a landlord is to be allowed to take the highest rent he can get offered for his land, a farmer the highest price for his wheat, a manufacturer for his goods,—why should a capitalist be restricted and fettered in the em-

ployment of his stock? Every principle of natural justice, and, we may add, of political expediency, is outraged by such a distinction.

We subjoin the Report of the Select Committee of the House of Commons on the Usury Laws.

REPORT ON THE USURY LAWS.

The Select Committee appointed to consider of the effects of the laws which regulate or restrain the interest of money, and to report their opinion thereupon to the House; and who were empowered to report the minutes of the evidence taken before them, have, pursuant to the order of the House, examined the matters referred to them, and have agreed upon the following resolutions:

1. Resolved, That it is the opinion of this Committee that the laws regulating or restraining the rate of interest have been extensively evaded, and have failed of the effect of imposing a maximum on such rate; and that of late years, from the constant excess of the market rate of interest above the rate limited by law, they have added to the expense incurred by borrowers on real security, and that such borrowers have been compelled to resort to the mode of granting annuities on lives; a mode which has been made a cover for obtaining a higher interest than the rate limited by law, and has further subjected the borrowers to enormous charges, or forced them to make very disadvantageous sales of their estates.

2. Resolved, That it is the opinion of this Committee, that the construction of such laws as applicable to the transactions of commerce as at present carried on, have been attended with much uncertainty as to the legality of many transactions of frequent occurrence, and consequently been productive of much embarrassment and litigation.

3. Resolved, That it is the opinion of this Committee, that the present period, when the market rate of interest is below the legal rate, affords an opportunity peculiarly proper for the repeal of the said laws.

Special Juries.

The Elements of the Art of Packing, as applied to Special Juries particularly in Cases of Libel Law. By Jeremy Bentham, Esq.

This work, we are told in a brief advertisement, was composed and printed many years ago, but withheld from publication; not however by the author, nor is it at his instance at present put forth. The causes which have delayed its appearance, according to this notice, are such, as "would afford a striking illustration of the baneful influence of the principles and practices it is employed in unveiling, and presenting in their true colours."

We need not to acquaint our readers with the peculiar and elaborate manner of Mr. Bentham, nor dwell upon the sifting industry with which he follows an abuse through its windings. A consultation of this book will unfold all the modes of influence and management which have been, are, or can be exhibited in the construction of Special Juries, for the decision of Crown cases. It will astonish the general reader to learn, that whatever the origin of this sort of Jury, it is mentioned in no statute book, antecedently to the year 1730—a strong presumption that it was not the ancient practice, but a comparatively modern substitute for the true and original Jury. The cloven foot will at once be perceptible, when it is understood that at one time Special Jurors were not only paid, but that their fees were *unlimited*; and whilst those of the Common Jury have gradually become little more than nominal, these are retained to an amount, which renders attendance an object of contention and venality to numbers. The plea for Special Juries is the necessity in certain cases of securing a well informed panel; but whatever the alleged convenience, when the selection either in whole, or in part, becomes the task of a Crown Officer, the consequences must be at once discoverable in respect to crown cases, especially such as rouse the passions of power. In deducing these, the acuteness and industry of Mr. Bentham are exceedingly instructive. The whole process is described in such a way, that a complete notion of the system becomes unavoidable. The *Guinea Trade* is admirably exposed; and the sort of disposition which renders it lucrative very pleasantly unfolded. The fair and direct influence of a Judge over a Jury, it is imagined might be sufficient; but in respect to Special Juries he is aided by motives and inducements very distinct from the operation of superior knowledge and information, not unfrequently indeed, by such as are in the highest degree corrupt and venal. This arises chiefly from their construction. Take the selection away from a permanent Crown Office and allow it to an impermanent one—the Sheriff, for instance, to whom it properly belongs—and the affair would be something better, although never what it ought to be, at least at Westminster, whilst the list excludes men of large fortune, and the remunerative system prevails.

Every one who has thoroughly studied human institutions is aware that none can be perfect. To acquire a knowledge of their abuses is

therefore a duty even on the part of those to whose disinterested feelings their detection is unpleasant. It is still more essentially the duty of the members of a free community to know how to distinguish necessary from avoidable evils in those institutions, upon the purity of which all freedom materially depends. In this point of view the present work is truly valuable; affording an insight into ramifications of influence that will strike many with astonishment. We venture to assert, that no despotism that ever existed, has been half so pervasively powerful as is the influential system of Great Britain. The subtle impulse passes from the centre to the extremities, with a liveliness that is truly electric, and never misses its aim except in some pieces of sheer folly, such as the affair of the Queen; and even then the leading object is sooner or later attained. This operation is too consuming to last; it preys upon itself, and will at no distant period be checked by its own intensity. The motion that is all downward must sooner or later cease; it is the result of an impetus, not of a circulation, and replenishes not in proportion to exhaustion. In no respect is this working more visible than in the departments of Law and Justice; and in no branch of those departments more flagrant than in the administration between the Crown and the subject. The great defiance of the weaker of the two parties in theory is a Jury, and happily Juries sometimes prove so; but as to the chances of the contest, if any wish to calculate them, let them read Bentham on the Art of Packing.

The corruption of the best things are the worst; a tampered with, and prepared Jury, is more to be apprehended than judgment without one; a fact which is admirably well put in the following passage:

"Were it my lot to be tried for a libel, a lot that might fall to me at any time, as well as to every other man in the country who can either read or write, and whose endeavours is to afford in any shape (not being a man of family) instruction to mankind, I had rather a hundred times over to be tried by Lord Ellenborough sitting alone in his proper place whatever it might be, the King's Bench, the Star Chamber, or the Privy Chamber, by Lord Ellenborough without a Jury, than by a Jury trained under the direction of, as well as directed by, Lord Ellenborough. By tears, by prostrations, by a certain quantity of dust licked up, by intercession of friends, by vows of good behaviour, and other *etceteras* of penitence and humiliation, it might then happen to a man to find feelings, where feelings are not now to be found.... Who, in a word, who had to stand fire from an adversary would not rather have the adversary *before* a screen than *behind* one?"

A pithy query!

Q.*

* It was the fortune of Q. some years ago, to take shelter from a shower of rain in a decent house of entertainment in the neighbourhood of one of the Bridges, when it being evening, he found as is usual in such places, a company of respectable tradesmen descanting upon the news of the day. Among these was a garrulous old man, who it seems enacted the part of a regular Special Juryman, whose conversation was the most amusing and instructive thing imaginable. This worthy elder, who for prattle might have vied with the barber of King Midas, or his brother-Professor of Bagdad, was one of those very common persons who are rogues without knowing it,—so entirely *be-worlded* as to have lost all preception between right and wrong in respect to every thing which custom has sanctioned. Thus unconscious, and thus disposed to talk, the account given by our Special Juryman of his practice and experience was most edifying. The manner of securing a frequent call; the way to be well with the Judge; the practice of getting rid of *scrupulous* personages—all was unfolded, with such an air of self-satisfaction at his own superior management in catching guineas, and securing favour, as was truly comical. The good and evil of the profession was also dwelt upon, as well as the means of ensuring the one and avoiding the other; as for instance, how to be in attendance upon short trials and get several guineas a day, and to avoid long ones which bring in only one. Questions were scarcely necessary, but put with due simplicity they were uniformly answered. Upon the whole, Q. never spent an hour or two of more mirthful melancholy in his life.

Europe Marriages.

On the 24th of May, at St. John's, Hackney, Alexander Bell, Esq., of the Hon. East India Company's Naval Service, to Miss Esther Cowper, daughter of the late John Cowper, Esq., of St. Albans.

On the 24th of May, at St. Mary's, Newington, Surrey, Thomas Burn, Esq., of Southampton-place, Camberwell, to Mrs. Frances Maria Jenkins, relict of the late Rev. Dr. Jenkins, of Walworth.

On the 21st of May, at Shoreditch church, by the Rev. Henry White, Mr. William Farmer, of Clapham, to Miss Gant, of Hackney.

On the 21st of May, at Hampstead, by the Rev. Dr. White, Richard Walmsley, Esq. second son of the late Richard Walmsley, of Sholey-hall, Lancashire, Esq. to Marianne, youngest daughter of Joseph Leucher, of West End, Hampstead, Esq.

Action for Deceit.

COURT OF COMMON PLEAS, DUBLIN, MAY 19, 1821.

CUTHBERT V. BROWNE.

This was special action for deceit of an extraordinary nature. The first count stated that the plaintiff, Charles Cuthbert, being then a bachelor, was, on the 20th of March, 1820, wrongfully and deceitfully informed by the defendant, John Browne, of Castle-street, in the county of the city of Dublin, that Hannah Darling, the sister-in-law of the defendant John Browne, was a virtuous, moral, and well-conducted young lady, he, the said John Browne, well knowing to the contrary; and that, in order to induce and encourage the plaintiff to pay his addresses to the said Hannah Darling, the defendant did represent her as a pure and undefiled virgin, and that he did thereby, falsely and deceitfully, cause and procure the said Charles Cuthbert to marry the said Hannah Darling. This count stated that, confiding in the assertion of the defendant, John Browne, he, the said Charles Cuthbert, on the 23d of April, 1820, did ask her, the said Hannah Darling, in marriage, in Castle-street, in the county of the city of Dublin, and did then and there marry the said Hannah Darling. The count further stated, that the said John Browne well knew the said Hannah Darling was not a pure and undefiled virgin, as he had represented to the plaintiff, but that she had been debauched and defiled by the said John Browne. The count further stated, that the said Hannah Darling was delivered of a child on the 5th of October following; and that the plaintiff was cruelly deceived, and put to the expense of 2,000l. for the maintenance and support of the said Hannah, and for medical advice and attendance during her *accouchement*.

Mr. RICHARDS contended that the marriage contract did not require that the woman should be chaste previous to her marriage; nor would any previous unchasteness on the part of the woman deprive the husband of any benefit he might derive from her, or limit any of the privileges she, as his wife, should enjoy. The plaintiff contracted for no more than a wife, and he has got one (a laugh); the very words of the contract are, "to take her for better or for worse." (continued laughing.) At any sale of goods, however they may be passed off, all faults must go with them. The learned counsellor concluded by stating that, if this action was admitted, there was no imperfection which a lady might have, but might be the subject of litigation: bad temper on the part of a lady might be the ground of a future action. He trusted their lordships would not tolerate or allow the plaintiff to go into the evidence of this case, and to cause an investigation before a jury as to the virginity of his wife.

Mr. GOOLD, on the part of the plaintiff, stated that the present action was grounded on one of the greatest injuries under which a human being could suffer. If history did not furnish any precedent for this action it did not proceed from any defect in this law, but solely from the enormity of the offence. It was the maxim of common law that there was no wrong without a remedy; and should it be said to the plaintiff, after having suffered so dreadful an injury—should it be then said to him—"Depart from hence, for you cannot be heard in this Court?" Hannah Darling was the sister-in-law of the defendant, John Browne, domesticated and living under his protection. He inveigled the plaintiff, by allegations which he knew to be false, to pay his addresses to her. The defendant was the proper authority for the plaintiff's ascertaining the lady's character; and, through his false representations, he was induced to ask her in marriage. The plaintiff has sustained great pecuniary loss in consequence of a crime committed by the defendant. Surely the plaintiff was not bound to support a child not begotten by him.

JUDGE JOHNSON here mentioned an instance of a gentleman having advertised for such a woman, in order to disinherit his heir.

Mr. GOOLD resumed. This was a stronger case than one for criminal conversation. There compensation might be had, and the marriage dissolved; but what law could dissolve this marriage? Was he not bound to this woman, as had been said, for better or worse? What opportunity had the plaintiff of ascertaining the fact as to the lady's chastity that he did not avail himself of? Mr. Goold concluded by stating that the frightful enormity of this case was the cause of its novelty. The questions for their lordships to decide on were—Was this an injury? Was that injury inflicted by the defendant? And was there a damage sustained? Mr. Goold trusted that the Court would be slow, after looking over the declaration, before it would shut out this man from all relief.

The Court being about to rise, the further hearing of this motion was postponed.

Europe Death.

On Sunday, the 20th of May, at Thorpe, in the country of Norfolk, after only three days' illness, James Nosworthy, Esq., late of the city of Norwich, aged 59.

Farewell.

Farewell! farewell! but oh to thee
This fervent wish is breathed with pain,
For who can tell if ever we
May meet on earth again?
When, like the clouds of winter day,
My hopes were driving to their doom,
Thou wast upon my pilgrim way,
A sunburst in the gloom.
But now I feel a deeper shade
Than earlier grief had o'er me thrown;
Thy parting tears the truth betrayed—
I do not weep alone!
Farewell! farewell! but oh to thee
This fervent wish is breathed with pain;
For who can tell if ever we
May meet on earth again?

Libel on the Queen.

COURT OF KING'S BENCH, WESTMINSTER, MAY 25, 1821.

THE KING V. THE REVEREND RICHARD BLACOW.

Mr. PARK, who some days since showed cause against the rule nisi, for criminal information in this case, our readers will recollect, insisted upon an affidavit of innocence from the illustrious prosecutrix.

Mr. BROUHAM was heard in support of the rule. Upon the argument of Mr. Park for an exemplificatory affidavit, he would trouble the Court with but few observations; to that demand her Majesty's legal advisers had a complete answer; but upon such answer the illustrious lady herself was not disposed, altogether, to rely. The cases cited by Mr. Park had been, he believed the cases of "the King v. Bickerton, Webster, Sir John Fielding Miles, Haswell and Bate;" and in all those cases, the charges contained in the libel had been of a distinct and specific nature. In "the King v. Bickerton," the libel had imputed to the prosecutor that he had falsely personated one Dr. Crewe, a physician; written prescriptions in his name; and received fees which should have been his. In "the King v. Webster," the information was against a magistrate for a summary conviction [afterwards quashed] for killing a hare; and there the applicant refused to deny, by affidavit, that he had killed the hare. Information was prayed against Sir John Fielding for granting a warrant against one Barnard, in the case of the threatening letters written to the Duke of Marlborough: Barnard would not make oath that the letters had not been written by him. The libel in "the King v. Miles" charged the prosecutor with having been concerned in a certain monopoly in the East Indies, by which 30,000 persons had been starved to death. In the last case, "the King v. Haswell and Bate," the Duke of Richmond, then minister of state, applied to the court for information against a libeller, who accused him of correspondence with a foreign enemy: in that case, after much discussion, the court decided that the Duke should make affidavit of his innocence; but Lord Mansfield said—if a person is charged with being generally a traitor, or generally a thief, it would be absurd to call upon him for an affidavit of denial. Now, in all those cases of affidavit required, the charges in the libel, he (Mr. Brougham) said, had been specific, and the dictum of Lord Mansfield in the last case showed that, to call for denial, the charges must be specific; but he (Mr. Brougham) only alluded to those cases in order to get rid of them. It was not the Queen's intention to resist the production of the affidavit demanded, upon the ground of want of specification in the charges set up against her: if their lordships did not think there would be something absurd, and ridiculous, and contrary to the rules of the Court, in her Majesty's coming forward to swear that she was not the goddess of so and so, and that she did not stand upon the pedestal of this, that, and the other; if the Court did not think that there would be something contrary to practice and to decorum in such an affidavit, her Majesty was perfectly ready to make it. As a matter of justice indeed to the Queen, he (Mr. Brougham) was compelled to state, that it was owing to the counsel of her professional advisers that no affidavit had been tendered; and a ground upon which he himself relied in supposing an affidavit to be out of the question, was not the nature of the charges in the libel, but the dignity and high station of the party libelled. It was unnecessary for him to enter before their lordships into the unique situation and exalted privileges enjoyed by her Majesty as Queen Consort of the realm; but he did submit to them, that it would be most inconsistent with that station and those privileges that she should come into the Court of King's Bench and make an affidavit like a common person. In support of that opinion, which he did most firmly believe to be an opinion well founded, he (Mr. Brougham)

would remind the Court of several matters—points of legal proceeding—as to which the Queen Consort stood in a different situation from any private individual, of whatever rank. Coke, Littleton, 133 B. after treating generally of privileges enjoyed by the Queen Consort, proceeded to speak particularly of her privileges as applicable to proceedings in courts of justice—"The Queen Consort," Coke said, "shall find no pledges, for such is her dignity that she shall not be amerced." So that the Queen could not, as a common person, be nonsuited. Again, in the case of a writ: a writ for the Queen, according to Coke, ran in the same terms with a writ for the King; the words, "if he, or she, shall make you secure," applied with respect to ordinary persons, being omitted in both cases. As to a writ of right, it behoved the court specially to consider how the Queen Consort stood; she stood (still according to Lord Coke's authority) precisely in the same situation with the King himself. In the Queen's case, as in the King's the writ of right was delivered, not in person, but direct to the bailiff; a course peculiar to the station of those two personages, and followed only in two other instances, both instances of exception and necessity—to wit, the case of a lord of a manor absent beyond sea, and the case of a bishop elected, but not yet consecrated:—in every other case the writ of right went, not to the bailiff, but direct to the lord. So, in case of aid prayed, there, according to Coke, the Queen was equal to the King: and, again, where the bailiff of the Queen brought an action against a hundred, the name of the Queen was used as well as that of the King; and the words ran—"in *contemptum domini regis et reginae*." He would not, Mr. Brougham continued, remind their lordships of the privilege of a Queen Consort as *femme sole*, nor of many other advantages peculiar to her station; but it had been lately admitted in the Court of Exchequer—he alluded to the case of Sir John St. Aubin—that the Queen Consort might, by her Attorney-General, file an information *ex officio*.

The Lord CHIEF JUSTICE.—Would not that fact, Mr. Brougham, put an end to this proceeding?

Mr. BROUHAM adverted merely to what had taken place in the Court of Exchequer; he did not mean to contend that in a criminal case—in a case like the present—which really touched upon, and in the first instance belonged to, the King, the Queen has power to file an *ex officio* information; he apprehended, however, that the dignities and immunities enjoyed by the Queen were given to, and conferred upon her for the public benefit; she held them only in virtue of her public station, and it was for an attack upon her in that public station that the present proceeding was taken. Now, the Queen Consort was confessedly a subject; but she stood, as he (Mr. Brougham) should contend, in a situation distinct from that of any other subject whatsoever. Mr. Park had cited instances in which affidavits of exculpation had been demanded from persons very high in rank; but, until a case could be shown of a Queen's having made such an affidavit, he (Mr. Brougham) would not, as a matter of law, concede the point. For her Majesty, however, he was to say, that, supposing the Court to get over the want of specification in the charges against her, she would not insist upon them; and that if the Court told her that she would no way waive her dignity in making the affidavit in question, she could have no hesitation in furnishing it. The learned counsel (Mr. Park) had contended that in no instance had a criminal information been granted without an affidavit of innocence. Mr. Park had cited no instance in which an information had been applied for by a Queen-Consort; and, indeed, but for the peculiar situation of her present Majesty with regard to her royal consort, an *ex officio* information would have precluded the necessity of her now coming as a suitor to the Court. The learned counsel concluded by repeating, that the Queen's objection to comply with the demand of affidavit arose solely from a sense of the right and privileges belonging to her station; if the Court once set aside that plea, there would be no objection whatever upon the ground of the general nature of the charges set up: those charges—as far as by human faculties they could be understood—her Majesty would have neither difficulty nor hesitation in negating.

Mr. DENMAN adverted to the peculiar prerogative by which Mr. Brougham and himself were addressing the Court, and commented upon the atrocious character of the libel which her Majesty was now, by the advice of her law officers, pursuing. The decision of the Court, should it be against the opinion of her Majesty's professional advisers, would immediately remove all difficulty as to the exemplificatory affidavit.

The Lord CHIEF JUSTICE.—As this case is in every view a case of great importance, and, in one point of view, a case altogether novel, we think that we ought to consider a little before we pronounce our decision.

Europe Death.

On the 23d of May, at his house, Clifton-phoe, Hackney, after an illness of a very few days, Mr. Thos. Meymott, late of Moorfields, in the 57th year of his age; thus, almost suddenly, terminating a truly Christian life, and thereby leaving another awful proof of the uncertain duration of this life, as well as the inestimable blessing of being prepared to meet our God at such an hour as we think not.

ASIATIC DEPARTMENT.

—581—

Indian News.

Calcutta.—*Supreme Court.*—The fourth Sessions of Oyer and Terminer of the Supreme Court of Calcutta for the year 1821, commenced yesterday; and the following Gentlemen were called to serve on the Grand Jury:—

JAMES MACKILLOP, FOREMAN.

JOHN COLLIE,
BENJAMIN FERGUSON,
WILLIAM LLOYD GIBBON,
JAMES MUNRO MACNAB,
JOHN MELVILLE,
CHARLES THORNHILL GLASS,
ROBERT MIFORD,
JAMES MACKNEIGHT,
LEITH ALEXANDER DAVIDSON,
GEORGE TYLER,
DAVID MACFARLANE,

J. S. BROWNRIGG,
STEPHEN LAPRIMAUDAYE,
ANGUS CHARLES FLOYER,
CHARLES BLANEY,
GEORGE GILMORE,
HENRY MATHEW,
JOHN SMALL,
JOHN ANDERSON,
JAMES WILLIAM TAYLOR,
AARON C. SEYMOUR,
MATHEW SMITH.

The Jury was addressed by Sir Francis Macnaghten; but as it would have been very difficult to follow the learned Judge, and we expect that the substance of his Address will be communicated to the Public in a more accurate form than it would have been possible to have taken it down, we shall take the earliest opportunity of laying that before our Readers when published. The Calendar we believe is not reckoned particularly heavy; two Murders, and as far as we could collect, a case of Rape are the only cases of importance that will come before the Court this Term.

The Petit Jury being called, a Native (Ramtonoo) was put to the bar on a charge of Burglary. Mr. Haberley produced the articles which the Prisoner was charged with stealing and deposed that they were given him by Toafail Chokedar. The Chokedar being called, identified the articles produced as the very same taken by him from the Prisoner at the bar on the night on which he is charged with having committed the theft, and deposes that the Prisoner, when apprehended, gave out that a man and his wife having quarrelled, the articles were put into his hand by the wife. Jeetoo, another witness, being called, deposes that the Chokedar Toafail, brought the Prisoner before him, and the articles produced were then in possession of the Prisoner, all except the silver chain, which was in Toafail's hand; that the Prisoner at first gave a variety of accounts respecting the articles, but afterwards confessed that had stolen them. Dayal Doss, the person robbed, being then called, deposed that the articles produced to him were his property. He could point out no distinctive mark except an indent upon a bracelet which he said had been caused by the child falling. He said the trinkets were lost, they were missing when he got up, the very night his house was broke into about a month ago, being stolen from his house between 11 o'clock at night, when he went to sleep, and 2 o'clock in the morning. When he rose at the latter hour he observed his trunk open, the articles in his house thrown into disorder, and the trinkets in question gone. He observed also a hole cut in the house which had not been so when he went to sleep. To a fail the Chokedar being recalled, deposed that he seized the articles upon the Prisoner at 3 o'clock in the morning.

The Prisoner declined putting any questions to any of the witnesses, and his Defence was that he knew nothing of the robbery, or the person robbed, or the stolen goods produced, that he was walking quietly along the street, and the Chokedar laid hold of him and accused him falsely. Verdict—GUILTY.

Death of Major O'Shaughnessy.—Thro' the kindness of a friend we are enabled to lay before our readers the following particulars respecting the violent death of the late Major O'Shaughnessy of H. M. 45th Regt. The night on which he met with the accident that caused his end, (Thursday last), the deceased was to sleep at the house of Mr. Smith; at 10 o'clock that night he was quite well, and shortly after he and others who had been in his company retired to rest. The Major however left the house, as supposed, about 11 o'clock, as his voice was then heard, and between two

and three o'clock in the morning Mr. Smith again heard him making a great noise below. Mr. Smith on going down found the deceased lying in the compound, complaining he was very ill; with the assistance of the Durwan he was removed within the door, but refused to go farther, saying, "he would die where he was."

Medical aid was called in, and on examination it was found his right side was much bruised, and four of the ribs separated from the vertebrae; but the deceased testified much reluctance to mention the circumstances of how he had met with the accident. After much solicitation he stated that he had been to a house in Deadman's Lane (qu. Dacre's Lane?) near the Waterloo Hotel; that he had left the house peaceably, and on his return home he was attacked by three Europeans and a Mulatto: all shabbily dressed in European clothes. Except this circumstance of their dress there was nothing by which he could identify them, but he supposed his own Servant, who is a Mulatto, to be one of them. The deceased was not robbed at this time, as far as is known, but he lost some jewels some time before, and had suspected this Mulatto.

Dr. Lyke and Dr. Frith examined the wounds on the Major's body, and had no doubt that they, especially that on the right side, were the cause of his death. At six o'clock on Saturday evening he experienced great difficulty of breathing, and bandages were applied; but the medical gentleman present observing that this increased the difficulty of breathing almost to suffocation, and that his end was rapidly approaching, caused the bandages to be removed. He died at 30 minutes past 8 that evening, Saturday.

The friends of the deceased sent a message on Saturday night to the Coroner of Calcutta, to inform him of what had happened, and to request him to take such measures as is usual when a person meets with a violent end. The Coroner happened to be from home. Next morning they sent another message, in order that a person who had been so long in the service of his King and Country might get that attention that is due to the meanest individual in Calcutta. We understand the purport of the answer to have been that it was illegal to hold an Inquest on Sunday, and that the Coroner was attending Divine Service. We are not prepared at present to speak as to the illegality of holding Inquests on Sundays, although we believe several instances have occurred even in England where it has been done; and in India, where putrefaction proceeds so rapidly, it seems imperatively necessary that no time should be lost in making the necessary investigation; we hope we shall not be accused of recommending Sabbath-breaking, but we have always understood "it is lawful to do well on the Sabbath day." After sermon, the Coroner, with some other Gentlemen, looked at the body, and the Inquest was postponed till the following day. We are in possession of the Depositions up to last evening, when the Inquest was again adjourned. The Verdict is not yet given, but when this takes place, we shall communicate it without delay.

Fort William.—We learn that several severe cases of sudden illness have happened lately in Fort William, and supposed to have been occasioned by the use of some American Cheese of a bad kind, as the attacks have been suffered in the cases alluded to shortly after the eating of such Cheese. Five or Six Gentleman of the Cadets' Mess were seized in this manner on Saturday, in Fort William, but we are happy to state that they are all recovered: A Committee has been ordered to investigate this matter, and their Report has been already sent in to the Most Noble the Governor of Fort William. We are requested to state that a Medical Correspondent would be glad to learn, through this Paper, whether any other well authenticated instances of a similar nature have occurred elsewhere in Calcutta;

Bombay, September 29.—Letters from Goa dated 16th September, mention that a Revolution had taken place in that Government. About 1 in the morning of the 16th, the private apartment of the Viceroy was forced open, and his Excellency sent under arrest to Cabo with a very strong escort. The cause is said to be, great discontent amongst the Civil Servants, the major part of whom are out of employ. The proceeding is also said not to be

unanimously approved of; and it was apprehended that disputes would still arise between the Civil and Military Authorities.

The following is a Translation of a Proclamation, without signature, issued on the occasion.

"Soldiers of the Portuguese Army in India!"—The day of liberty has at last arrived. The nation has proclaimed her supreme will, and we adhere to her. We are Portuguese, as such our motto is "Liberty, Valour, and Glory."—SOLDIERS.—You were oppressed, and under the yoke of tyranny; you were ill-paid, ill accounted; from this day you are Portuguese Soldiers, Citizens of a free Nation; and the Portuguese Valour that once astonished the world shall revive, and raise up again the pillar of glory, which our ancestors planted in the four quarters of the Globe.—Long live the Portuguese Nation.—Long live the Constitution, and the liberty of the Portuguese; and long live our King, John the VIIth.—Panjum, September 16, 1820."

The late success of the Corps Dramatique, we are happy to learn, has inspired a new life. "The Busy Body" is now in rehearsal, and we understand the evening of the 11th of next month is proposed for the performance. The characters of this play are humorous, and being few in number will be more easily filled and more effectively than some late ones the managers had cast, but which they have been compelled to relinquish in consequence of numerous amateurs having quitted the presidency.

The following extract of a letter from Bushire, exhibits a dreadful picture of the ravages of the Epidemic Cholera in that quarter. "The Cholera has made and continues to make most dreadful and alarming ravages at Bussorah; in 15 days 14,000 people were carried off; here 20 per day are dying, and the number increasing. It has extended to Kauzeroon and will no doubt soon make its progress all over Persia. The consequence is, numerous families have quitted their houses, some gone to one place and some to another; no business is done, the Bazaars remain closed, and unsupplied; a gloom the most dismal pervades throughout.

Several of the young Officers attached to the troops at Kishme have also died, viz. Lieutenant LeBlanc of the 1st Battalion 12th Regiment, Lieutenant Forbes and Dr. Rind of the European Regiment.—*Bombay Courier.*

Touchstone.

To the Editor of the Calcutta Journal.

SIR,

Some people may be tired of TOUCHSTONE, but, for my part, I am not; and if he were to repeat his stinging iteration of "Give me a sight of the hole-and-corner Correspondence," daily for the next twelve months, I should not be tired of it. TOUCHSTONE and his friends have seen that Correspondence, and have not yet recovered from their astonishment.

Primum Graius homo mortaleis tollere contra
Est oculos ausus.

They have read every word of that Correspondence, and the only criticism on which they have ventured is to call it an *ex-parts* statement; being possibly the first time that an *ex-parts* Correspondence has ever been heard of! I do not mean that they conceal their opinion on the doctrine of *Summary Transportation without Trial*. By no means. If it were *Summary Decapitation without Trial*, they would subscribe to it as readily and as reasonably; like the man who after signing the Thirty-nine Articles, said, "I wish there were a hundred and thirty-nine more that I might show my orthodoxy by signing them too."

Can you wonder then, that I am not tired of TOUCHSTONE? No:—whether he and his friends speak out fairly and roundly, or only bark and show their teeth from holes and corners when they are afraid to do more; every thing that they do,—their strenuous Idleness, and idle strenuousness,—is equally pleasing and acceptable.

October 22, 1821.

BREVIS.

Himalayan Tour.

NARRATIVE RESUMED FROM THE JOURNAL OF FRIDAY THE 19TH INSTANT, PAGE 645.

July 28.—Thermometer at sun-rise 35°; ascended the Keobrung, and encamped at Rusheetalam, distance 6½ miles, a resting place for travellers and their flocks on the bank of the Tagla, two miles up the dell from Zongchen, where I before stopped. I put up Dolland's portable Barometer at Keobrung Pass, with a view to verify the former observations, and it marked 15.469 or 1-1000th of an inch lower than before; this, to a fastidious Critic will appear a too nice agreement, but the observation was made at 11 o'clock; the former at 2 p. m. and if we allow for the difference of altitude of the mercurial column within that period, and also for the temperature of the air, which was 37°, the respective measurements will vary in a greater degree than could be supposed from the indications of the mercury. It snowed as I crossed, but cleared away before I reached Camp, which is 15,000 feet above the sea; the Barometer shewing 17.380. I put up the Transit and had excellent observations for the time, which I was anxious to ascertain correctly, as there occurred two immersions of Jupiter's Satellites. I set up for both, the first was at half past eleven, but to my great disappointment I beheld Jupiter rise over the hills in sparkling beauty only two minutes after the Eclipse had passed; this was the first Satellite, and I had reckoned upon a sight of the planet earlier, the other of the 2nd Satellite occurred at half past one o'clock; Jupiter was bright till one, but became obscured by clouds before the time, and I lost this also, which was provoking enough.

July 29.—Thermometer at sun-rise was 39°. Made a journey of 10½ miles to Reeshee-Herpoor, within the valley of the Sutlej, crossing the lofty ridge which separates it from the dell of the Tagla. This was an arduous and disagreeable march, it occupied 8½ hours, exposed to rains and snow the whole time we ascended from the bed of the Tagla upon the slope of the range, which was gently inclined for two miles, where the surge ceased to grow, and I here set up the Barometer, which was 16.463, answering to an height of 16,700 feet; but across the Keobrung on the East side, I think it fully 500 feet higher. Before we arrived at this elevation it began to snow, and we were now involved in a dense cloud, no path visible, and the guides uncertain of the direction, would not go on. I was therefore obliged to make a halt of half an hour; the clouds then cleared away, but only for a minute, but disclosing in the interval a shughar, or pile of stones near the Gangthung Pass, which bore N. 60° W. and was instantly obscured; and with this direction and the pocket compass in my hand, I led the way upon the flank of the range, ascending over loose masses of limestone and slate, which time and perpetual frost had exposed, never to be animated again by vegetable life. Now and then we had turf and fungous excrescencies, and a few plants blighted in their growth. I had a long line of baggage, and to preserve it in the proper direction, required an effort that resembled the howl of wild beasts. Our situation was irksome, half frozen as we were by the contact of clouds charged with rimey vapour, and we were happy to see them disperse and discover the road; it continued snowing, but none lay on the ground.

At noon I reached the pile of stones which marked the Pass, where the Barometer was 15.519, temperature of the air 35°, we still ascended from this spot over eternal snow now sprinkled with a fresh covering, till we arrived at the extreme elevation of the road where the Barometer was 15.422, and the temperature of the air 33°, which will make the height of the Pass equal to the Keobrung. From this (the spine of the range) streams flow to the Tagla and Sutlej; we now hurried down to a milder climate for a short way upon continuous snow, and afterwards on loose rock and snow for a mile, where the head of the dell is formed on each side of us. In this plain of wrecks and horrid scenery, the detached summits of the chain rose in various mishappen forms, dark and naked on their sides, but terminating in spires and domes of perpetual whiteness. Around their bases, which here rest

at an elevation of 17,000, feet are enormous accumulations of snow, containing basins of still water, the dread of travellers who approach them; the scene surpasses description. The dell, nearly half a mile wide, is covered by layers of broken stones, exhibiting extraordinary variety, beautiful to the eye, but severe to the feet: the united streams and gatherings from the snow take the name of Hocho, which in some places spreads out to 100 yards, and in one spot to 2 or 300, but so shallow as just to conceal the pebbles of its bed; in other parts it is arched over by the snow, and then it is buried under ruins of cliffs, from which it again bursts out and expands over the plain. The fall is here very gentle, but below this it is precipitated in whitened agitation and unceasing roar, but the body of water is too insignificant to produce the full effect of the inclined plane over which it rolls, since this must frequently be nearly 1,000 feet of perpendicular descent in a mile. From the snow of its source to the level of the Sutlej is 10,000 feet, and the distance is less than 12 miles; the mountains on each side are high and precipitous, and their avalanches have at different times arrested the stream, which in two places is formed into deep lakes of considerable extent; the embankment of which being high, above the level of its natural bed, it dashes over it with a loud clamour. The last mile of the road was as rough as the surface of the stream, which was one broken sheet of foam. At 4, 30 P. M. I reached Reeshee-Eerpo, the first spot that affords wood for fuel; this was a truly galling day's journey, the snow changed to sleet and then to rain, and much of the baggage did not arrive till midnight. This route is little frequented, on account of the distance between wood for fuel on opposite sides of the Pass; and in bad weather travellers prefer making the circuit by Nissungor Shipkee. My Camp was here about the height of 14,900 feet, the Barometer shewing 17,600. Vegetation in this glen is very poor; a few juniper bushes were observed.

July 30.—The Thermometer at sun-rise was 36 $\frac{1}{2}$ °, and a great deal of snow had fallen upon the surrounding peaks during the night. Marched to Dabling distant 9 $\frac{1}{2}$ miles along the dell, with the Hocho on our left; met again with honeysuckle and gooseberries, and a soil covered with sage, thyme, and many odoriferous plants, all signs of a better climate than that we had lately visited 3 $\frac{1}{2}$ —miles, brought us to a summer residence of shepherds, and a few fields of barley, phappur, and turnips, which do not thrive well at such an altitude. This is the highest cultivation I have yet noticed; the Barometer was 18.487, temperature of the air 56°, which will give an elevation of at least 13,300 feet. The dell, farther down, is arid and uninteresting; a few ill-grown trees now and then occur, and tufts of aromatic plants, but nothing verdant like the foliage in the glen of the Fabur; the mountains on each side are desolate without grandeur; untrodden ground has here no curiosity to excite, every step is wearisome till the road crosses the ridge, which confines the dell at an elevation of 11,300 feet. From this, the Sutlej, now at its fullest swell, is seen 3,000 feet perpendicularly below, muddy, and moving in silence. The opposite bank of the Sutlej presents a perpendicular section of 6 or 7000 of feet of pure rock in a corner, and at a considerable elevation above the river is the village of Poo, remarkable for the contrast which its green fields, vineyards, and apricot groves form with the barren cliffs, and by many would be hailed with delight and pleasant expectations, after a sojourn of ten days in tented wilds in the regions of perpetual congelation, with neither hamlet nor the trace of industry in sight; yet must I own that the elevated regions of Tartary, bleak and abandoned as they are, have many more charms for me. From the Pass we descended by a steep and difficult road, which at the end of 1 $\frac{1}{4}$ miles opened into the cultivable belt of land by the margin of the Sutlej, and a mile farther brought us to Dabling, a village of Koowur occupied by Tartars, and the houses surmounted by flags as at Nisung. At sun-set the missing people arrived, having passed the night a short way above my Camp of 14,900 feet; it rained during the whole march, and snowed thickly upon the heights, and I thought myself fortunate in having made the passage of the Gangtung, since the fresh snow must have rendered it both difficult and dangerous.

The three Tartar boys who accompanied me from Nissung, conducted themselves satisfactorily in every way, and made every favorable impression in my mind of the character of the people. I gave them two rupees each, for which they were very thankful.

July 31.—I got equal altitudes for the time, and put up the Transit. The Chronometer appeared to have been going admirably, it gives my Camp on the Table Land near Bekhur 28 miles East of Murung, and 18 $\frac{1}{2}$ East of Dabling; the difference of longitude between Murung and Dabling is 10 $\frac{1}{2}$ miles, which added to the former, makes 28 $\frac{1}{2}$ had it been exact, the results would have been the same, but the mean 28 $\frac{1}{2}$ miles is probably a very small deviation from the truth, and the difference of $\frac{1}{2}$ mile or two seconds of time is nothing in 14 days, considering the extremes of temperature to which the watch was exposed, from 110° in all probability in the bed of Tagla (for it was 99° in the tent) to below the freezing point.

Dabling is about 9,400 feet above the sea; but such is the effect produced by the reverberation of the sun's rays in those secluded dells that simple elevation ceases to be indicated by the decrease of temperature. I found the heat here on the 31st, quite intolerable in a tent. The thermometer rose to 109°, and I was glad to seek shelter in a house, while scarcely 24 hours preceding I had it 33° in regions of eternal snow, and almost frozen up at noon-day. As I am in no hurry, I halted here yesterday and to-day, to observe some stars; to-morrow I shall proceed to Numguas, and next day to Shipkee, where I hope to receive an answer from Garoo, although I can scarcely expect it will be favorable. You will be glad to hear that Dolland still holds out; I had always used it, and compared it with the other, now and then. It is a trouble putting up the latter, since the lead has disappeared. All the other instruments are still safe, and the spider's webs of the Transit are as good as when first put in; the Perambulator got out of order on the last march, but it is now efficient. By the mean of several observations Dolland stands .009 higher than the other tube. For the last two days the Thermometer in the open air has ranged from 60° at sun-rise to 85° in the middle of the day.

Camp Dabling, August 2, 1821.

A TRAVELLER.

Lower Orphan School.

To the Editor of the Calcutta Journal.

SIR,

The assurance that you have always on hand a great number of Letters, of a nature that require, from their superior interest, immediate publication, and which has frequently induced you to refuse inserting Communications of minor importance that may have been sent you, has often deterred me from bringing to the notice of the Public, through the medium of your very useful Paper, many little defects and abuses that exist in a Public Institution, which though unseen or overlooked by a casual observer, yet, as affecting the future well-being of a numerous and increasing class of the community cannot be deemed too trivial for exposure to the public eye with a view to their rectification.

The attempt made, in a Public Advertisement for Two Masters for the Lower Orphan School, to extol the merits of one Institution above those of another, I cannot allow to pass without some observations. If it is intended to shew by the Advertisement that a person cannot obtain a thorough knowledge of the System of Tuition adopted in Schools of the National Society of England at the Lower Orphan School, the person who penned the Advertisement is either totally ignorant of the state of the School, or is desirous of augmenting the merits of the Free School at the expense of the other. I can safely assert, and am ready at any time to prove, that there is no comparison whatever between the two Schools—that they widely differ in their internal discipline, their System of Tuition, the treatment of the Children, and in all other points; and that the difference is in favor of the Lower Orphan School. This, Sir, is not my opinion only, but that of all those who have had the means of impartially judging of the

two Schools, and *has* been and *is* the opinion of some that *have* been and *are* employed in the Free School, which is fully sufficient to bear out my assertions; for could they, upon comparison, establish the superiority of the Free School over the other in any point, it is evident that their own interests would lead them to enforce the admission.

The merit to which the Free School may fairly lay claim is solely that of having imparted to the Lower Orphan School the rudiments of the System that now prevails at the latter, and which by gradual improvements has been raised to that perfection which it has now confessedly attained; it must therefore, be highly injudicious, and not a little absurd, to send an Assistant belonging to the latter Establishment to learn a defective System from the former School.

Feeling particularly interested in the Lower School, I cannot but perceive this attempt to lessen it in the estimation of the Public with feelings of regret; and if I succeed in my endeavours to counteract the erroneous impression which the Advertisement has a tendency to produce, I shall feel satisfied.

October 19, 1821.

PHILO RECTUS.

A Word of Advice,

Addressed to those who mistake "Envy, Hatred, and Malice" for "Decency and Truth."

"Base Envy withers at another's joy,
And hates that excellence it cannot reach,"
Nay, talks of mercy, when it would destroy—
Misleads—and like the Devil it will preach—
Aye, like the Devil!—for whose tongue's so smooth?
Not thine O! Roderick—(of Goths the least!)
Tho' bold in flippant prose (despising truth)
You rise—the Bull's-Eye of the mighty East!
Go on!—or, wisely pause!—but yet enquire,
If conscience buoys thee o'er these troubled seas?
If free from interest—"malice"—fiend-like fire?
Then—if thou'st sinn'd—anoit thy stubborn knees!—
If not—reprint thy thoughts—they'll injure none—
(If none but fools with borrow'd eyes behold)
For oh! the Great will never thus be won
Or take thy counterfeit for sterling gold!
Shall random-shot approach that mighty ear
From pop-gun prosers?—or does Wisdom ask
"RANDOM"—CAMILLUS"—"A. D. C." to clear
That vision, in whose sunshine they would bask?—
Believe it not—Go, Drivellers!—seek to shade
Your strange deformities behind some sconce
Where light, nor reason ever can invade!—
"Avoid the Sun—tho' ye can die but once!"

Berhampore, Oct. 1821.

AN IDLER.

Births.

At Ghazepore, on the 14th instant, the Wife of Mr. J. L. DENNETT, of the Stud Department, of a Daughter.

At Jubbulpore, near Nerbuddah, on the 5th instant, the Lady of Captain B. SISMORE, of the 1st Battalion 12th Regiment of Bengal Native Infantry, of a Son.

At Paldinia, the Lady of Lieutenant R. GRAY, of His Majesty's 1st Ceylon Light Infantry, of a Son.

Deaths.

On the 21st instant, Brevet Major PETER O'SHAUGHNESSY, of His Majesty's 45th Regiment, aged 43 years.

At Ghazepore, on the 18th instant, Mr. McIVOR, Assistant to the Honorable Mr. MELVILLE, Magistrate of that Station.

At Hussiaabad, on the 5th instant, Major A. MANNERS, of the 16th Regiment of Native Infantry.

At Vepery, on the 30th ultimo, the infant Son of Lieut. MOORE, of His Majesty's 89th Regiment.

At Madras, on the 23d ultimo, Mr. J. B. BOSWELL, aged 43 years, deeply and sincerely lamented by his disconsolate family and surviving friends.

To Correspondents.

The acceptable Enclosures of WIBBA and AMBROSIUS were found in the Letter Box, and will have the early attention they deserve. The Communications from this source are so eminently useful in their object, that we desire to hear as frequently as possible from the same quarter.

In transmitting the Northern Akhbar, much time would be saved to us if our Correspondents would kindly send English Versions of them, ready to send to the Press at once, instead of the Persian Originals only, as great delay is occasioned by their translation here.

The beautiful Lines of CYTHERON shall have an early place. We share in the general admiration of the strain of feeling as well as talent that pervades this Writer's effusions.

Our philanthropic Correspondent, M. V. from whom we cannot hear too often, will find his wishes anticipated in some respects. His private Notes under that signature are as acceptable as his Communications for the Press, and we are proud to enjoy the good opinion and support of one in whom genuine piety, pure benevolence, and disinterested liberality are so happily united.

The Second Epistle of SAM SOBERSIDES, on the State of Society in India, is received, and will have our early attention.

We have also further Letters from the Traveller in the Himalayah, and some Communications from Southern India, on topics of great and general interest, which will be made public with as little delay as possible; but the claims on our pages are so multifarious, that we feel embarrassed by their number and variety.

These sure and unequivocal indications of the continued approbation and support of the most intelligent and public-spirited of our countrymen in India, are doubly welcome at a period when the pages of our Contemporaries exhibit only the effusions of disappointed malice and defeated animosity, in all the miserable shapes that doggrel rhyme and patch-work prose can present, them. When we review the pages of the two Papers that have conjointly poured out their daily wrath against us since the month of July last, and compare them with our own for the same period, it would be impossible not to feel proud at the reflection that while the Correspondence of our Opponents has been almost exclusively directed to ONE object—reprobation of the hated JOURNAL and all that it contained—the Letters that have filled the pages of this devoted Paper have chiefly been devoted to the consideration of subjects, in which men of all parties ought to take an interest, as the Index of every Monthly Number will clearly prove. When those who labour so constantly, though in vain, to turn the current of public feeling against us, are able to produce such unequivocal proofs of general support, as the List of Subscribers and List of Contributors to the CALCUTTA JOURNAL exhibit, they may then indulge a faint hope of effecting their desired purpose; but as long as the actual Receipts of this Paper, from Subscriptions alone, are four times the amount of their receipts from the same source, and the Communications of its Correspondents on useful and interesting subjects are in a still greater proportion beyond those of all other Papers in the Country, we may well despise the railings of those who envy a profit and a popularity which they cannot themselves attain. We may add that as long as they value the gratification of their spleen and ill-will more than the indefatigable and conscientious discharge of their public duty, they never will acquire it; for with all the irritation and prejudice of Indian Society against the too free enjoyment of the blessing that has elevated England above the rest of the world—free and a virtuous Press,—there is yet to be found among them a sufficient portion of discrimination and good sense to teach them to value utility and sincerity above worthlessness and hypocrisy, and to esteem Discussions that have the interests of Justice, good Government, Science, and general Knowledge for their end, as far superior to personal recrimination or Editorial hostility. The same judgement also leads them to feel that the amelioration of evils consequent to humanity, and the elevation and improvement of the human race, are nobler and more cheering objects of pursuit than endeavours to beat down an Individual under their feet, and to keep Society in perpetual ferment and dissension, because a Stranger, who came among them in search of that which brings us all to India—an honorable provision for our present and future years—has succeeded in attaining his object more rapidly than those he has left behind him in the race could wish, and is desirous of repaying the support he has received, by a correspondent attention to the public feeling that has borne him through all his toils. Let those who envy such success, only follow in the same path, and they will attain it also;—but let them not imagine that their envy, however openly expressed, or however cautiously disguised, can for a moment change the public mind, or lessen our private enjoyments. The foundations of both are too deeply laid to be shaken by so powerless an engine.

Marriages.

On the 18th instant, at St. John's Cathedral, Mr. EDWARD STEELE, to Miss MARY WINTER.

At Cawnpore, on the 6th instant, by the Reverend H. S. WILLIAMS, A. B., Lieutenant FREDERICK H. SANDYS, Deputy Assistant Quarter Master General, to Miss JANE CULLODEN, Niece of Major MEASHAM, of His Majesty's 21st Foot.

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